

**MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**April 24, 2023**

**Planning Commissioners Present:** Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, and Marjorie Blom.

**City Staff Present:** Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Branigan called the meeting to order in the City Hall Council Chambers at 7:05 p.m. On roll call, Commissioners Branigan, Berman, Hanselman, East, Escobar, Updike, and Blom were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Work Session Meeting Minutes of April 10, 2023.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner East to approve the Planning Commission Work Session meeting minutes of April 10, 2023 as written. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of April 10, 2023.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner East to approve the Planning Commission Regular Session meeting minutes of April 10, 2023 with minor corrections. The motion carried unanimously in a voice vote.

3. **Public Comment.** None were heard.

4. **Public Hearings.** At 7:07 p.m. Chair Branigan opened the public hearing portion of the meeting. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. None were heard. Branigan called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File No. 2-CUP-23 (Continued): Application by South Beach Church for a Conditional Use Permit to Build a 19,895 Sq. Ft. Church and 50 Student Private School.**

Tokos reviewed the staff memorandum and listed the conditions of approval. He noted that he had added Condition No. 4 to the list that required the applicant to follow the recommendations of their acoustics consultant, Team Wilson Media, or a firm with equivalent qualifications, when designing and constructing the church building in order to minimize the chance that sound and/or vibrations would emanate from the structure. Tokos reported that the current site plan was included in the meeting packet. Testimony had also been received from Dave and Barb Wright, Scotty Fairchild, Dustin Capri, and Bonnie Serkin with Landwaves and the Wilder Development. Serkin requested that any approval include stipulations relative to noise and traffic control. Tokos noted that as far as Serkin's request concerning traffic went, the applicant had provided a site plan that showed that

they met the city's parking code requirements. They also provided information that even during peak events such as Easter, the amount of vehicles parked for that service could be accommodated in what they were going to be building for permanent parking. Tokos noted that they would be providing 90 plus overflow parking spaces in the field. They also wouldn't be impacting 40th Street because the vehicles would be queuing out of their driveway when leaving their property and it would be internal to their property. Tokos explained that it would be problematic to condition something based on future potential monitoring. He also noted that if the Commission chose to approve the application, they would have a noise ordinance to address any noise issues. Tokos reported that as far as issues in the public right of way, the city didn't allow for people to do traffic management in it. It would typically be done through a special event permit where they would hire people that were qualified to do traffic management. There was a chapter in the Code that addressed obstructing streets and sidewalks, and enforcement would happen through this code. The Commission was charged with considering if the South Beach Church application either met or would meet the conditions of the standards. Tokos thought the application met the criteria.

**Applicant:** Dustin Capri and Luke Frechette addressed the Commission. Capri expressed his appreciation for the public process. He noted that the easement for the future trail would be good for the church and the community. Capri reported that through conversations with the neighborhood, and with general concerned citizens, they had proven through Team Wilson Media that they could accommodate the concerns about sound. He noted they had revised the plans to add parking spaces for overflow, and they changed the signage to be compliant with what was allowed in a residential zone. Capri pointed out that they reached out over the last two weeks to Bonnie Serkin and held an event the previous Friday to hear people's concerns. This was an opportunity to show that the church wanted to be a good neighbor. Capri asked for an approval of the request.

Frechette pointed out that none of the concerns that were raised were outside of the church's thought process on what they wanted to fix proactively. He reminded that they couldn't stay at their current building. A new building would be built and it would include sound mitigation. They talked to Bonnie Serkin about reaching out to the Wilder Home Owner's Association. They didn't raise any questions that weren't already covered in the last meeting. Frechette stated that the church wanted to be the best neighbors. He described how they could have been better neighbors in the past and were now working on doing so.

Berman pointed out that during the annexation the church was confident they could occupy the new building at the end of this year. He asked if they still felt that way. Luke was optimistic this would happen. If they were still under construction in December and they were moving forward with the construction, they would try to apply for an extension at their current location until completion. Frechette noted that if they couldn't extend, they would have to go mobile and meet at other site locations they would rent on the weekends.

Berman asked what the church's plans were in the future with the large portion of the parcel to the east of the new build. Frechette reported the parcel was 12 acres in size but only five acres of it was developable. The church liked this area having an outdoor feel for the time being.

Escobar asked if the hard deadline was the reason they were pushing back on the hearing continuance. Capri reported they were on a tight deadline.

Hanselman applauded the church for stepping up and getting together with the Wilder group. He noted there wouldn't be a parking study and the area would grow. Hanselman thought people would park on the street even though the church would have overflow parking. He wanted to see a

commitment by the church to lead their congregation and tell them to not park on the street. Frechette reported how a church in Seattle worked to hang signs in businesses in the area to notify people their parking wasn't for the church. The South Beach Church would do some parking management where people would be in the lots directing drivers on where to find parking. Frechette noted that their thoughts were to keep people on their property. They were committed to doing this and would communicate it to church members. Frechette pointed out that it wasn't convenient to park on the road to access the church. Hanselman thought this wouldn't be a difficult accommodation.

Udike asked if they made any changes to the plans since Friday. Capri confirmed they didn't modify the plans.

**Proponents:** Dan McLaughlin addressed the Commission. He reported that he spoke at the last hearing and he now liked the proposal. McLaughlin went to the open house with the church and felt it was helpful. He thanked the Commission for continuing the hearing. This gave them time to elaborate on the plans and allowed the pastor to address concerns on a newspaper article about the project. McLaughlin felt they gave a good presentation and good points on how they would address the sound issues.

Dave Wright addressed the Commission. He gave his full support for the church. Wright noted if they looked at what was happening in South Beach with the Aquarium and the OSU center, the church would enhance all the businesses in this area.

Al Albright addressed the Commission. He reported that he lived in the Wilder community. Albright thought the meeting with the church went well and it gave them more time to talk about the sound mitigation. Albright reported that he was an architect for over 40 years. He thought they still needed to be careful on assessing the noise mitigation, especially low frequency noises that might transmit from the sanctuary. Albright also thought there would be potential parking issues because RVs, buses, and delivery trucks could park on the street. Escobar asked if Albright reviewed the attachments. Albright confirmed he did. Escobar asked if he had any issues with Team Wilson Media letter. Albright stated he did and was concerned about the paragraph describing the construction to mitigate sound on the south wall and the possibility of low frequency high volume sound transmitting through that wall. He researched what a quite rock wall system was that they wanted to implement. This wall would have a steel sheet through it and would set the church up to reflect any Wi-Fi or cell phones in the interior, and might have a bearing on the design. Albright thought they might want to go with a dual wall construction with two layers of sheetrock or something like that if they found the Wi-Fi didn't transmit outside of the sanctuary. He also reported that he couldn't find information on Team Wilson Media by their name. There was no location listed on their letterhead and no phone numbers. Albright noted they seemed to be able to provide the sound for the sanctuary but questioned if they had an acoustical engineer on staff.

David Decker addressed the Commission. He asked if the second parking area for overflow was an official part of the plan. Capri confirmed it was officially part of their plan. Escobar pointed out that it was also a part of the staff recommendation.

Jonathan Biggs addressed the Commission. He thought the application met the criteria and the church was willing to do what it took to mitigate traffic and parking issues. Biggs reported he was a contractor who would volunteer to help with the project. He requested the Commission approve the request.

Heather Hatch addressed the Commission. She stated she lived in northern Newport and noted her first impression was that the church was good for the community. They were spending money in the community and took time to give away food and support the homeless.

Roxanne Talbot addressed the Commission. She stated she had attended the church for a while and was in a recovery program. Multitudes of people received help and stayed out of trouble because of the church. They also kept people off the streets and out of jail.

**Opponents:** None were heard.

Chair Branigan closed the hearing at 7:53 p.m.

Blom appreciated that the church met with the neighbors and the testimony from people who testified at the meetings. She thought she could support the application with conditions outlined and was in favor of it. Updike agreed and thought it was good they had the outreach process. He was in support of the request with the conditions. East agreed.

Escobar thought a structure like this would last 50 to 100 years. Given the impact it would have on the Wilder community and the people using Highway 101, he thought it was important there be a deliberative process. Escobar supported the way this process occurred. It was to the applicant's credit that they were making a good faith effort to address the concerns that had been raised by staff and the community.

Berman supported the application. He noted the comments on Team Wilson Media's qualifications was troubling. He thought that if they were going to be a major player in the design they needed to satisfy that they had the qualifications and were in a position to be able to certify that the recommendations were followed. Berman would support this with this one caveat.

Hanselman liked that the church addressed the issues in a positive manner and they had a good program set up. He asked the church to keep things in a way that he could speak positively about their group. Hanselman was concerned about the sound, but he thought they could handle this as well. He would support the request.

Branigan thought all the requirements had been met. He wanted to commend the citizens for coming out for both of the meetings to support this. Branigan felt that Mr. Capri and Mr. Gross would take another look at the plans and make sure the new building would have the right sound mitigation.

Escobar moved to approve the application with the conditions of the staff recommendation, and an addition to Condition No. 4 that they require certification from the architect. He thought that rather than having Team Wilson Media certify the recommendations set forth in Attachment F, they should have the architect onsite to see what the materials were that they were signing off on. Updike suggested changing the word "equivalent" with the word "appropriate" which would allow any other firm to step into the shoes for the recommendation and work with the Planning Department.

Escobar again moved to approve the application for the conditional use permit for the South Beach Church, including the four recommendations from the staff, with the modification that rather than having written certification from Team Wilson Media, they have written certification from the applicant's architect in terms of Attachment F. Blom thought it should be an "and/or" statement on who would do the certification. Berman thought that if this was a technical recommendation,

the person that certified should be the one who had the credentials. He reminded that geologic permits had to be certified by the geologist because the developer wouldn't know how to do this. Berman thought the certification needed to be done by someone with technical expertise. Escobar withdrew his initial motions to have the architect certify.

**MOTION** was made by Commissioner Escobar, seconded by Commissioner Blom to approve File No. 2-CUP-23 with the four conditions included on the staff report. The motion carried unanimously in a voice vote.

**B. File 3-CUP-23: Conditional Use Permit to Allow the Operation of a Historical Themed Photography Booth Studio in a W-2/"Water-Related" Zone.**

Tokos reviewed the staff report for a conditional use permit to allow the operation of a historical themed photography booth studio in a W-2/"Water-Related" Zone. He reminded that a similar conditional use permit was approved by the Commission for the operation of the same business at another location on the Bayfront.

**Applicant:** Steve Palmer addressed the Commission. He stated that this was the same business he had before. It was just moving to a new location.

Escobar asked if there would be any modifications made to the structure. Palmer confirmed there wouldn't be. Branigan asked what photography themes they would have. Palmer reported they were currently doing the roaring twenties and the wild west. They were looking to add vintage fishing photos, and a hippy theme. Palmer noted that their two current themes were doing great.

Chair Branigan closed the hearing at 8:15pm

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve File No. 3-CUP-23 with conditions. The motion carried unanimously in a voice vote.

**5. Action Items.**

**A. File 3-CUP-23: Final Order and Findings of Fact for Conditional Use Permit to Allow the Operation of a Historical Themed Photography Booth Studio in a W-2/"Water-Related" Zone.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Blom to approve the Final Order and Findings of Facts for File No. 3-CUP-23. The motion carried unanimously in a voice vote.

**6. New Business.** None were heard.

**7. Unfinished Business.** None were heard.

**8. Director Comments.** Tokos reported the applicant for the Abbey Hotel conditional use permit and adjustment permit filed an appeal to the City Council. The hearing date was set for May 15th. Staff was pulling the record together and waiting on written transcripts that were expected by the end of the week. The entire record would then be available on the website so the Council would have a couple of weeks to review. This would be an on the record hearing and was limited to the appellant, the applicant if they weren't the appellant, and staff. It would be the same record that was before the Commission. The Council would have the benefit of all of the testimony that

the Commission received over the two evidentiary hearings. Berman noted that during past appeals there were requests to have Commissioners present. He asked if that was the case at this hearing. Tokos explained that the past appeals were for legislative hearings. On the record appeals had a very limited approach. The Commission could attend the hearing to observe if there wasn't a quorum.

Tokos reported the Housing Production Strategies open house was happening on April 25th. There would be active polling done at the open house and the game plan was to have someone in attendance who could translate. Tokos reported this would be televised and people could do the poll during the open house if they were watching from home. This would be going to the City Council on May 15th to consider as well.

Tokos reported that the City Center revitalization project was in the hands of ODOT who didn't have a consultant under contract. The scope of the work was finalized. This was just a workload issue on their side. Tokos explained that until there was a contract they couldn't move forward with public engagement until the fall. Berman asked if they selected a contractor. Tokos reported they had done a mini RFP, and interviewed and selected a preferred vendor. It was just a matter of ODOT staff getting this tied up. Tokos reported the city would be bringing additional funds to the table as part of a match for this project. They had urban renewal funds to use to reshape the streetscape. The city needed to get the final answers so they could move forward with it and not be high centered at a policy level.

9. **Adjournment.** Having no further business, the meeting adjourned at 8:24 p.m.

Respectfully submitted,



Sherri Marineau  
Executive Assistant